

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-2882

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United States of America,

Appellee,

v.

Adrian F. Searcy,

Appellant.

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Appeal from the United States  
District Court for the  
Southern District of Iowa.

[UNPUBLISHED]

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Submitted: January 15, 2003

Filed: February 11, 2003

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Before BOWMAN, RICHARD S. ARNOLD, and BYE, Circuit Judges.

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PER CURIAM.

After pleading guilty to possessing crack cocaine with intent to distribute, Adrian F. Searcy was sentenced to a prison term of 110 months. In arriving at that sentence, the District Court rejected Searcy's assertion of sentencing entrapment. In Searcy's subsequent appeal to this Court on the sentencing-entrapment issue, we determined that the District Court may have applied the wrong test on the issue of sentencing entrapment and remanded the case to the District Court to reconsider that issue. United States v. Searcy, 233 F.3d 1096, 1101 (8th Cir. 2000) (Searcy I) (concluding that the District Court may have erroneously required proof of "outrageous government conduct" to support a finding of sentencing entrapment).

On remand, the District Court found that Searcy had been a victim of sentencing entrapment and reduced his sentence to a prison term of sixty-eight months. The government appealed. After review, this Court reversed, concluding the District Court had clearly erred in finding Searcy a victim of sentencing entrapment, and ordered the imposition of the original sentence. United States v. Searcy, 284 F.3d 938, 944 (8th Cir. 2002) (Searcy II). On remand for resentencing, the District Court reimposed the original sentence of 110 months.

Searcy appeals, arguing that the District Court failed to recognize it had discretion to impose a lesser sentence. We disagree. The panel's mandate in Searcy II was explicit. In short, we directed the District Court to impose the original sentence of 110 months. The District Court was obliged to adhere to and did follow that direction. There is no error in the District Court's imposition of the original sentence.

The District Court correctly read Searcy II and did precisely what that opinion directed the court to do. Accordingly, Searcy's sentence to a prison term of 110 months is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.